

MESSAGE NO: 4189113

MESSAGE DATE: 07/08/1994

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: INF-Information Notice PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): A-570-831

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 07/08/1994 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: ALLEGATIONS THAT IMPORTS OF LARGE AMOUNTS OF GARLIC FROM THE PRC  
WILL BE MADE PRIOR TO THE PRELIMINARY DECISION BY THE DOC TO AVOID  
SUSPENSION OF ENTRY SUMMARIES BY CUSTOMS

MESSAGE NO: 4189113

DATE: 07 08 1994

CATEGORY: ADA

TYPE: INF

REFERENCE:

REFERENCE DATE:

CASES: A - 570 - 831

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PERIOD COVERED: 07 08 1994 TO

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS

DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

RE: ALLEGATIONS THAT IMPORTS OF LARGE AMOUNTS OF GARLIC FROM  
THE PRC WILL BE MADE PRIOR TO THE PRELIMINARY DECISION BY  
THE DOC TO AVOID SUSPENSION OF ENTRY SUMMARIES BY CUSTOMS

CUSTOMS HEADQUARTERS HAS BECOME AWARE OF ALLEGATIONS THAT  
LARGE AMOUNTS OF FRESH GARLIC FROM THE PEOPLE'S REPUBLIC OF CHINA  
(PRC) MAY BE ENTERED AT THE WEST COAST PORTS OF LONG BEACH, LOS  
ANGELES, OAKLAND OR SEATTLE PRIOR TO THE PRELIMINARY DECISION BY  
THE DEPARTMENT OF COMMERCE, INTERNATIONAL TRADE ADMINISTRATION  
(ITA) IN AN EFFORT TO AVOID SUSPENSION OF ENTRY SUMMARIES BY THE  
U.S. CUSTOMS SERVICE.

THE ITA WILL PUBLISH ON JULY 11, 1994, ITS PRELIMINARY DETERMINATION THAT FRESH GARLIC FROM THE PRC IS, OR IS LIKELY TO BE, SOLD IN THE UNITED STATES AT LESS THAN FAIR VALUE. IN ADDITION, THE ITA FOUND THAT CRITICAL CIRCUMSTANCES EXIST. THEREFORE, CUSTOMS HAS BEEN INSTRUCTED TO SUSPEND LIQUIDATION OF SUCH MERCHANDISE THAT WAS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER APRIL 12, 1994, WHICH IS 90 DAYS PRIOR TO THE DATE OF PUBLICATION OF THE PRELIMINARY DETERMINATION IN THE FEDERAL REGISTER. EFFECTIVE APRIL 12, 1994, CUSTOMS SHALL REQUIRE A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGIN NOTED IN E-MAIL 4189111, DATED JULY 8, 1994 (SEE ATTACHED).

THIS IS HEADQUARTERS APPROVAL TO REJECT ANY UNLIQUIDATED ENTRY SUMMARIES OF FRESH GARLIC FROM THE PRC THAT WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER THE EFFECTIVE DATE OF THE CUSTOMS DIRECTIVE 099 3550-067, "ENTRY SUMMARY ACCEPTANCE AND REJECTION POLICY" AND REQUIRE A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE ESTIMATED PRELIMINARY MARGIN. FOR ANY UNLIQUIDATED ENTRY SUMMARIES FILED PRIOR TO THE EFFECTIVE DATE OF THE DIRECTIVE, DO NOT REJECT, SUSPEND IN ACCORDANCE WITH THE ITA INSTRUCTIONS.

IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT THE REGIONAL ANTIDUMPING/COUNTERVAILING DUTY COORDINATOR, TRADE COMPLIANCE DIVISION, ANTIDUMPING/COUNTERVAILING DUTY BRANCH VIA E-MAIL ATTRIBUTE "HQ OAB."

NANCY MCTIERNAN

ATTACHMENT

MESSAGE NO: 4189111

DATE: 07 08 1994

CATEGORY: ADA

TYPE: PRE

REFERENCE:

REFERENCE DATE:

CASES: A - 570 - 831

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PERIOD COVERED: 07 11 1994 TO

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS

DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

RE: PRELIMINARY DETERMINATION IN THE ANTIDUMPING DUTY  
INVESTIGATION OF FRESH GARLIC FROM THE PRC/WITH  
CRITICAL CIRCUMSTANCES (A-570-831)

1. THE DEPARTMENT OF COMMERCE WILL PUBLISH IN THE FEDERAL REGISTER ON JULY 11, 1994, NOTICE OF ITS PRELIMINARY DETERMINATION THAT FRESH GARLIC FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC) IS, OR IS LIKELY TO BE, SOLD IN THE UNITED STATES AT LESS THAN FAIR VALUE.
2. THE PRODUCTS COVERED BY THIS INVESTIGATION ARE ALL GRADES OF GARLIC, WHOLE OR SEPARATED INTO CONSTITUENT CLOVES, WHETHER OR NOT PEELED, FRESH, CHILLED, FROZEN, PROVISIONALLY PRESERVED, OR PACKED IN WATER OR OTHER NEUTRAL SUBSTANCE, BUT NOT PREPARED OR PRESERVED BY THE ADDITION OF OTHER INGREDIENTS OR HEAT PROCESSING. THE DIFFERENCES BETWEEN GRADES ARE BASED ON COLOR, SIZE, SHEATHING AND LEVEL OF DECAY.

THE SUBJECT MERCHANDISE IS USED PRINCIPALLY AS A FOOD PRODUCT AND FOR SEASONING. THE SUBJECT GARLIC IS CURRENTLY CLASSIFIABLE UNDER SUBHEADINGS 0703.20.0000, 0710.80.7060, 0710.80.9750, 0711.90.6000, AND 2005.90.9500 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS). ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, OUR WRITTEN DESCRIPTION OF THE SCOPE OF THIS PROCEEDING IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES, THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-570-831. THIS NUMBER SHOULD BE USED WHEN DEALING WITH THE DEPARTMENT OF COMMERCE ONLY.

4. BECAUSE THE DEPARTMENT OF COMMERCE FOUND THAT CRITICAL CIRCUMSTANCES EXIST FOR ALL IMPORTS OF FRESH GARLIC FROM THE PRC, THE CUSTOMS SERVICE SHALL SUSPEND LIQUIDATION OF SUCH MERCHANDISE THAT WAS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION

ON

OR AFTER APRIL 12, 1994, WHICH IS 90 DAYS PRIOR TO THE DATE OF PUBLICATION OF THE PRELIMINARY DETERMINATION IN THE FEDERAL REGISTER. EFFECTIVE APRIL 12, 1994, CUSTOMS SHALL REQUIRE A CASH DEPOSIT OR POSTING OF A BOND EQUAL TO THE APPROPRIATE ESTIMATED PRELIMINARY MARGIN PERCENTAGE LISTED BELOW.

MANUFACTURER/PRODUCER EXPORTER	IDENTIFICATION NUMBER	WEIGHTED-AVERAGE MARGIN PERCENTAGE
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ALL MANUFACTURERS

PRODUCERS/EXPORTERS	A-570-831-000	376.67%
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5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT THE REGIONAL ANTIDUMPING/COUNTERVAILING DUTY COORDINATOR, TRADE COMPLIANCE DIVISION, AD/CVD BRANCH, VIA E-MAIL TO ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT JAMES MAEDER, OFFICE OF ANTIDUMPING INVESTIGATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE AT 202-482-3330.

6. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

NANCY MCTIERNAN

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party